

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

INFO USMISSION USUN NEW YORK

USMISSION GENEVA

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GENEVA FOR U.S. DEL. TO LEGAL SUBCOMMITTEE MEETING

E.O. 11652: GDS

TAGS: TSPA, UN, GW

SUBJECT: FRG WORKING PAPER ON REMOTE SENSING PRINCIPLES

1. SUMMARY: DURING THE PAST YEAR FRG DELEGATIONS TO SEVERAL MEETINGS RELATING TO OUTER SPACE ACTIVITIES HAVE MENTIONED TO U.S. REPRESENTATIVES THAT THE FRG WAS CONSIDERING A NEW DRAFT OF PRINCIPLES ON REMOTE SENSING. ON EACH OCCASION WE URGED AND THE FRG REPRESENTATIVE AGREED TO THOROUGH BILATERAL CONSULTATIONS BEFORE ANY SUCH INITIATIVE WAS UNDERTAKEN. A NEW FRG WORKING PAPER CONTAINING REMOTE SENSING PRINCIPLES HAS JUST BEEN LIMITED OFFICIAL USE
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INTRODUCED AND OFFICIALLY CIRCULATED IN THE UN WITH ONLY PERFUNCTORY AND IN OUR VIEW MOST INADEQUATE CONSULTATIONS WITH US. AS OUTLINED BELOW, THE EMBASSY IS REQUESTED TO REGISTER WITH THE FOREIGN OFFICE OUR

SERIOUS CONCERN AT THE LACK OF ADEQUATE CONSULTATIONS,
TO REQUEST THAT THE FRG DEL TO THE LSC REFRAIN FROM
PRESSING ITS APPROACH, AND TO OUTLINE OUR OBJECTIONS
TO THE SUBSTANCE OF A NUMBER OF THE PRINCIPLES PROPOSED.
END SUMMARY.

2. ON MARCH 15 FRG EMBASSY FIRST SECRETARY PATERMAN
GAVE DEPT OFF A WORKING PAPER OF "DRAFT PRINCIPLES AND
GUIDELINES GOVERNING THE ACTIVITIES OF STATES IN
REMOTE SENSING OF THE EARTH FROM SPACE", ASKING FOR USG
COMMENTS SINCE PAPER WAS TO BE SUBMITTED TO EUROPEAN
SPACE AGENCY (ESA) INTERGOVERNMENTAL COORDINATING
GROUP ON MARCH 17. AFTER QUICK PRELIMINARY REVIEW,
DEPARTMENT OFFICERS INFORMED PATERMAN ON MARCH 16
THAT WE HAD SEVERAL SIGNIFICANT DIFFICULTIES WITH FRG
PAPER, OUTLINED A NUMBER OF THOSE CONCERNS, AND RECOMMENDED
AGAINST SUBMISSION TO ESA OR TO OUTER SPACE SCIENTIFIC
AND TECHNICAL SUBCOMMITTEE (STSC) PENDING FURTHER
CONSULTATIONS WITH US. ALTHOUGH THE FRG PAPER WAS NOT
FORMALLY TABLED AT STSC, WE ARE INFORMED THAT IT WAS
WIDELY CIRCULATED INFORMALLY, AND THAT IT WAS SUBMITTED
TO THE ESA INTERGOVERNMENTAL COORDINATING GROUP. AT
THE STSC MEETING THE USDEL OUTLINED OUR MAIN OBJECTIONS
TO THE FRG PAPER DURING INFORMAL TALKS WITH FRG
MINISTRY OF RESEARCH AND TECHNOLOGY REGIERUNGS DIREKTOR
KNOEICH ON MARCH 30, HAVING HAD NO R
SUGGESTIONS, ON APRIL 27 DEPARTMENT CALLED IN PATERMAN
TO PRESENT OUR COMPREHENSIVE COMMENTS ON GERMAN PAPER
AND TO EXPLAIN IN DETAIL THE DIFFICULTIES WHICH A NUMBER
OF THE GERMAN PROPOSALS WOULD CREATE FOR USG IN
CONSIDERATION OF REMOTE SENSING AT OUTER SPACE LEGAL
SUBCOMMITTEE (LSC) MEETING (TO BE HELD AT GENEVA
MAY 3-28). AT THE APRIL 27 MEETING WE WERE SURPRISED
TO LEARN FROM PATERMAN THAT A REVISED VERSION OF THE
PROPOSAL HAD ALREADY BEEN SENT TO THE UN SECRETARIAT
FOR REPRODUCTION IN CONNECTION WITH LSC MEETING.
(UN SECRETARIAT HAS CIRCULATED FRG PAPER, WITH SAME
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TITLE AS ORIGINAL DRAFT, AS DOCUMENT A/AC.105/C.2/L.106
OF APRIL 21.) TEXT CABLED BONN IN USUN 1792.

3. DEPARTMENT IS DEEPLY CONCERNED THAT FRG HAS
CIRCULATED ITS PAPER ON THIS SENSITIVE SUBJECT WITHOUT
THE FULL PRIOR CONSULTATION WHICH WE HAD REQUESTED,
ESPECIALLY SINCE SEVERAL POSITIONS IN FRG PAPER ARE
INCONSISTENT WITH OR CONTRADICTORY TO U.S. PRINCIPLES
ON REMOTE SENSING (CONTAINED IN U.S. PAPER SUBMITTED TO
1975 LSC MEETING) AND WILL TEND TO STRENGTHEN THE
BARGAINING POSITION OF THOSE COUNTRIES WHICH HAVE BEEN
ADVOCATING RESTRICTIONS ON REMOTE SENSING ACTIVITIES.

IN ADDITION, SEVERAL OF THE FRG PRINCIPLES WOULD GRATUITOUSLY IMPOSE ON SPACE SEGMENT OPERATORS SUBSTANTIAL COSTS AND COMMITMENTS WHICH WE FIND TOTALLY UNACCEPTABLE. THAT THE FRG WOULD MAKE SUCH PROPOSALS IN DISREGARD OF THE VIEWS OF THE SPACE SEGMENT OPERATOR ON WHICH THEY AND OTHERS DEPEND IS PARTICULARLY SURPRISING. USG HAD UNDERSTOOD THAT FRG WAS GENERALLY IN ACCORD WITH OUR BASIC APPROACH ON FUTURE REMOTE SENSING ACTIVITIES.

4. IN VIEW OF THE FOREGOING, EMBASSY IS REQUESTED TO REVIEW SEQUENCE OF DEVELOPMENTS ON FRG PAPER WITH FOREIGN MINISTRY AT APPROPRIATELY HIGH LEVEL TO EXPRESS OUR CONCERN AT THE LACK OF ADEQUATE CONSULTATION AND TO REQUEST THAT FRG DELEGATE TO LSC MEETING BE INSTRUCTED TO REFRAIN FROM PRESSING THEIR APPROACH WITH OTHER DELEGATIONS UNTIL THE U.S. AND FRG DELEGATIONS HAVE BEEN ABLE TO RECONCILE DIFFERENCES ON EACH OF THE POINTS INVOLVED. IF THIS IS NOT DONE WE WILL HAVE NO ALTERNATIVE TO MAKING STRONG CRITICISM OF THE FRG PAPER IN THE DEBATES, A MOST UNFORTUNATE DEVELOPMENT. IN DISCUSSION WITH FOREIGN MINISTRY EMBASSY SHOULD SEEK TO LEARN REASONS FOR FAILURE TO CONSULT FULLY WITH US. EMBASSY SHOULD ALSO OUTLINE OUR BASIC OBJECTIONS AS CITED IN FOLLOWING PARAGRAPHS.

5. PRIMARY POINTS OF U.S. CONCERN:

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(A) PRINCIPLE 4 WOULD APPEAR TO REQUIRE NOTIFICATION TO THE UNSYG NOT SIMPLY OF THE LAUNCH OF A REMOTE SENSING SATELLITE, A NEW COMMITMENT IN ITSELF, BUT ALSO OF THE END USES AND MEANS OF ANALYSIS OF THE DATA OBTAINED. THIS IS NOT ONLY IMPRACTICAL, IT IS QUITE UNACCEPTABLE AS A MATTER OF POLICY IN TERMS OF THE FULL RANGE OF EITHER GOVERNMENTAL OR COMMERCIAL USE.

(B) PRINCIPLES 6 AND 7 APPEAR TO CREATE SPECIAL RIGHTS FOR SENSED STATES WHICH ACCRUE BECAUSE THOSE STATES ARE SENSED. WE STRONGLY OBJECT TO ANY SUCH THEORY BECAUSE IT TENDS TO UNDERMINE THE 1967 OUTER SPACE TREATY PRINCIPLE THAT OUTER SPACE IS FREE FOR EXPLORATION AND USE BY ANY STATE, AND BECAUSE IT TENDS TO SUPPORT THE IDEA THAT STATES MAY HAVE A RIGHT NOT TO BE SENSED OR THAT THEY MUST BE COMPENSATED FOR BEING SENSED. REFERENCE TO THE GOOD OFFICES OF THE UNSYG

IN THIS CONTEXT SIMPLY UNDERLINES THE FORCE OF SUCH ALLEGED RIGHTS AND WE REGARD SUCH REFERENCE AS MOST

INAPPROPRIATE.

(C) PRINCIPLES 6 AND 7 SEEM TO COMMIT A SENSING STATE EITHER TO INCLUDE EVERY SENSED STATE IN THE SPACE SEGMENT OR TO GUARANTEE THAT EACH ONE HAS GROUND SEGMENT FACILITIES. EVEN IN A RECOMMENDATORY CONTEXT THIS IS UNACCEPTABLE AS A TECHNICAL MATTER FOR A GENERAL SYSTEM AND AS A TECHNICAL AND ECONOMIC MATTER FOR SENSING STATES.

(D) PRINCIPLES 8 AND 9 ADVOCATE UNACCEPTABLE ROLES FOR THE UNITED NATIONS. PRINCIPLE 8 SUGGESTS A BUREAU-CRATICALLY DEMANDING AND EXTREMELY EXPENSIVE FUNCTION OF "STORAGE, ARCHIVING AND DISSEMINATION" OF REMOTE SENSING DATA, ON THE BASIS OF AN UNCERTAIN STANDARD OF "WORLDWIDE SIGNIFICANCE," AND THE FUNCTION OF RESPONSIBILITY FOR "STANDARDIZATION AND DISSEMINATION PROCEDURES." PRINCIPLE 9 COULD REASONABLY BE READ TO MEAN THAT ALL "WORLDWIDE RESEARCH AND APPLICATION PROGRAMS" MUST BE INITIATED BY THE UN OR A SPECIALIZED AGENCY, AND THAT ALL SUCH RESEARCH AND APPLICATIONS LIMITED OFFICIAL USE
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MUST BE CARRIED OUT UNDER UN AUSPICES. SUCH SUGGESTIONS ARE PATENTLY UNREALISTIC AND UNACCEPTABLE AND CAN ONLY STRENGTHEN THE HANDS OF THOSE COUNTRIES TRYING TO INHIBIT OR RESTRICT OPEN SENSING AND DATA DISSEMINATION.

5. EMBASSY IS REQUESTED TO REPORT FRG REACTION SOONEST AND TO INFO ALL CABLES ON THIS SUBJECT TO USDEL TO OUTER SPACE LEGAL SUBCOMMITTEE, GENEVA, THROUGH MAY 28. SISCO

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